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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

SELAH ALLIANCE FOR EQUALITY.

Plaintiff,

V.

CITY OF SELAH, et. al,

Defendants.

Court No. 1:20-cv-03228-RMP

NOTICE OF OBJECTION TO SETTLEMENT

COMES NOW, the undersigned on his own behalf and on behalf of the descendants of Owhi and object to any presumption by the parties to this cause that they may simply agree to rename a park owned by the defendants to Chief Owhi Park or otherwise appropriate the name Owhi to their use absent approval of the descendants of Owhi and consultation with or concurrence of the Yakama Nation.

In support of this objection, the undersigned declares under penalty of perjury as follows:

1. I have personal knowledge of the following facts and am competent to testify thereto

1 2. I am a descendant of Owhi, who was the brother in law of Kamiakin, he having been
2 married to the sister of Kamiakin. There are many of us. Owhi was a signatory to the Yakama
3 Treaty of 1855.

4 3. I was raised by my parents and grandparents on the Yakama Nation. They conveyed
5 to me traditional teachings of the Yakama people. My grandmother lived to be 100 and was
6 raised by her grandfather Eneas, who was born in 1834.

7 4. Among the People now known as Yakama, Tribal names are hereditary property.
8 They are passed on to those chosen by the survivors of Ones Who Walked Before with that
9 name. Only one person at a time may possess such a name. According to the laws passed
10 down by the Creator it is sacrilegious to appropriate another's tribal name.

11 6. Tribal names are property, the process for the bestowing of that name is of
12 overwhelming importance. One who has no right to such a name has no authority to simply
13 take it and bestow it upon another. That is the natural unwritten law of the Creator of the
14 Yakama people which has been applied since Time Immemorial.

15 If reference to the unwritten customary laws is not deemed satisfactory authority to
16 the participants in this civil action, the matter was written down by anthropologist Helen H.
17 Schuster in her landmark ethnography of the Yakama people. The bestowing of a tribal name
18 is hosted by the family of the ancestor whose name is being bestowed during a ceremony
19 honoring the name being brought back to life. It is customary to pass on the name only to
20 persons that the family believes is worthy of bearing that name:

21 There is symbolic recognition here that the deceased lives on in perpetuation of
22 his name. As long as the name bearer is alive, no other person will be given that
23 particular name.

1 See H.H. Schuster, *Yakama Indian Traditionalism; a Study in Continuity and Change* (1975),
 2 p. 447.¹ Notwithstanding their good intentions at remedying past injustices, the parties to this
 3 civil action are unwittingly, and unintentionally, joining the ranks of Cleveland, Atlanta and
 4 Kansas City by simply appropriating the name of Owhi without first familiarizing themselves
 5 with our tribal laws and seeking concurrence of those who possess the inherited right to
 6 determine who, and how, that person's name can be used. Colonialism often starts with those
 7 having good intentions.

9 There has been a dramatic shift in the past year resulting in widespread disfavor of
 10 appropriation of tribal names and symbols by business entities. Witness the recent decisions of
 11 the Washington Football Team and the retirement of Chief Wahoo. In these turbulent times
 12 we must all do what we can to show that we care for and respect one another. The true way to
 13 honor my People is to follow the process under tribal customary protocols for being allowed to
 14 bear the name of an ancestor, not to simply presume that it can be applied to a person, place or
 15 thing willy-nilly and without permission of the inheritors of that name and without assurances
 16 that the entity upon whom they desire the name to be conferred will bear that name in a
 17 respectful, worthy and not unsavory fashion.

19 The first step would be to determine who the heirs of Owhi are for the purpose of
 20 obtaining their consent to the use of his name proposed by the settlement parties. Then, they
 21 must learn, and follow, the ceremonial protocols for the name giving including the distribution
 22 of gifts and honoraria. Additionally, since this case is a legal proceeding, it must be borne in
 23

25 ¹ An example of Yakama customary name bestowal can be found at
 26 https://www.yakimaherald.com/news/local/traditional-yakama-name-giving-ceremony-especially-precious-during-pandemic/article_0e717bd0-67d1-5f2a-ae2f-358284e1eaab.html

1 mind that Owhi's name first appears in print in the 1855 treaty with the Yakama Nation—
2 meaning that the Yakama Nation's consent must also be sought due to constraints of the
3 Lanham Act, which preserved their rights once the name was first put in a recorded document.
4

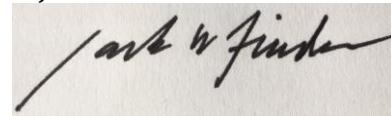
5 There was a lack of tribal consultation before the settlement was made.
6

7 In Yakama culture, names are not mere generic items that anyone can claim as public
8 domain, they are inchoate, or incorporeal, property having ownership and usufructuary rights.
9 They may not be transferred like John Smith or Jane Doe. If the litigants truly want to respect
10 the name of Owhi, they must first demonstrate respect for the customary and religious laws of
the Yakama people and the descendants of Owhi.

11 Nye.
12

13 DATED this 4th day of February, 2022.
14

Respectfully submitted,

15 S/Jack W. Fiander
16 
17

18 _____
19 Jack W. Fiander
20

21 Certificate of Service

22 The undersigned certifies the foregoing was filed with the Clerk of Court with copies served
upon all counsel of record.
23

S/Jack W. Fiander
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